

Revisiting the Effect of Mandatory Arrest Laws on Intimate Partner Homicides

Yoo-Mi Chin
Baylor University

Scott Cunningham
Baylor University

The effect of mandatory arrest on domestic violence is inconclusive. Early studies found a deterrence effect of arrest (Sherman and Berk 1984), while others found a backfire effect among certain sub-groups of population (Berk et al., 1992; Pate and Hamilton, 1992; Sherman and Smith, 1992). A critical shortcoming of the earlier randomized studies is that arrest was assigned as a *probabilistic* event, whereas arrest under contemporary mandatory arrest laws is *certain* event (Iyengar, 2009). Iyengar (2009) improved over earlier research designs by exploiting the geographic staggered roll out of actual mandatory arrest laws. Using variations in the timing of law passage across 50 states and the District of Columbia, she found that mandatory arrest laws *increased* intimate partner homicides, suggesting an startling and unintended consequence in the real world of these policy environments.

There is, however, no consensus on the way these laws are classified (Zeoli et al, 2011). While most researchers base their classification on the same rule, which is the degree of officer discretion in arrests, we find major discrepancies in law classifications among researchers. To take just one example, Iyengar (2009), classifies 14 states and D.C. as mandatory arrest law states, whereas Hirschel (2008), a legal scholar, finds 22 states and D.C. as mandatory arrest law states.

In this paper, we revisit the effect of warrantless domestic violence arrest laws on intimate partner homicides. Given the importance of mandatory arrest as the justice system's

primary response to domestic violence in many states and the controversy over its effectiveness, careful robustness checks of the Iyengar's original study are warranted. This is made even more pressing given subsequent disagreement among researchers in classifications of domestic violence arrest laws. Our primary objective is to investigate whether her finding is robust to other law classifications.

We explore the strength of her result using another law classification by a legal scholar (Hirschel, 2008) supplemented with our own corrected effective dates of adoption. We find that there is no evidence that mandatory arrest laws increase intimate partner homicides. But we do find new evidence that *discretionary* arrest laws reduce intimate partner homicides among current and former spouses. These effects represent large reductions relative to the prevalence of these homicides in our sample. Using our preferred specification, discretionary arrest laws reduce current spouse homicides by 0.1553 per 100,000 and former spouse homicides by 0.0321 per 100,000 and are significant at the 10 and 5 percent levels respectively. The results are robust to the inclusion of law-specific pre-treatment leads and group-specific trends, but become very small in magnitude and statistically insignificant once when we include state-specific trends. We investigate the issue of whether trends appear related to treatment adoption using event study analysis, and find that the negative effect is not preceded by differential trends. By all appearances, the adoption of the law is followed by level shift downward in current spousal homicide rates which persists until the end of the panel. Like mandatory arrest, we find no effect of preferred arrest on intimate partner homicides though. We conclude that more attention should be given to these laws to better understand their ability to disrupt domestic violence.

Further, we find that the original counter-intuitive results by Iyengar were most likely the byproduct of a syntax error introduced during the data merging process. This seemingly benign

error had inadvertently restructured the population variable used to construct the homicide rate in such a way that was spuriously correlated with the passage of mandatory arrest laws, purely by coincidence. This error was solely responsible for the positive correlation between mandatory arrest and increased intimate partner homicides. Once the syntax error is addressed, and the data is correctly constructed, we do not find an effect of mandatory arrest on intimate partner homicides. The effect is sometimes positive, sometimes negative, but always insignificant and small in relative magnitude.